

Application #09/946,112
Amendment dated May 6, 2005

Remarks:

In the Office Action mailed on January 26, 2005, Claims 1-29 were rejected. Applicants amend Claims 9, 12, 14, and 23 herein. Claims 1-29 are pending in the application. Claims 1-3, 5-7, 10, 12-16 and 18-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by Schloss et al. (U.S. Pat. No. 6,249,844) hereinafter referred to as *Schloss*. Claims 4, 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Schloss* in view of Sloan (U.S. Pat. No. 6,179,205) hereinafter referred to as *Sloan*. Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Schloss* in view of Challenger et al. (U.S. Pat. No. 6,507,891) hereinafter referred to as *Challenger*. Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Schloss* in view of Fuller et al. (U.S. Pat. No. 6,216,112) hereinafter referred to as *Challenger*.

Applicants respectfully request reconsideration of the Application in light of the traversal provided below.

35 USC 102 Schloss

Claims 1-3, 5-7, 10, 12-16 and 18-29 stand rejected under 35 U.S.C. 102(e). Applicants traverse.

Applicants have amended Claims 9, 12, 14 and 23 to clarify the scope of the invention. Claim 1 is representative of the independent claims. Claim 1 recites "determining a plurality of characteristics of content, including at least one static characteristic of content." *Schloss* fails to teach or suggest such a limitation because *Schloss* teaches examining a predetermined digital content description and not the characteristics of content. As is known in the art, a digital content description such as metadata such as is provided in a "fragment description table" as taught in *Schloss* avoids a need to examine the content and limits the examination only to what is provided in the metadata.

Specifically, *Schloss* teaches away from the limitations of Claim 1 in that *Schloss* teaches, in the abstract, "digital content description of a named digital object can be dynamically parsed, and persistent fragment identities created and maintained to facilitate

Application #09/946,112
Amendment dated May 6, 2005

caching.” *Schloss*, Abstract. *Schloss* further describes an examination of the digital content description via examination of “fragment description table for tracking the object fragment identity and its description. As depicted the table (505) includes a plurality of entries (507), where each table entry (507) points to a fragment description list (510) (only one shown for ease of description). The list (510) includes one or more description elements (520 and 525). Each fragment that maps to a given entry in the fragment description table (510) has a unique description element (520) on the fragment description list (510) of the entry. The description element includes several fields: Nlink (530); Fname (535); and Fdescription (540). The Fname (535) is the persistent name of the fragment. This name is given by the persistent name creator routine (with details depicted in FIG. 10). The Fdescription (540) is the fragment description. The Nlink (530) points to the next description element (525) which maps to the same fragment description table entry (507)” (Col 5, line 66 to Col. 6, line 15).

In contradistinction to *Schloss*, Claim 1 recites, “determining a plurality of characteristics of content.” The determination is performed on the characteristics of the content and not meta-data as is taught by *Schloss*. *Schloss* in its claim 1 recites “analyzing an object description to identify one or more persistent object fragments associated with the object” which further highlights that *Schloss* does not determine “a plurality of characteristics of content” as required by Claim 1. Claims 2-11 depend from Claim 1 and allowable with Claim 1 for at least that reason.

Claim 12 has been amended to teach “reading a container, the container identifying content not to be distributed according to at least one characteristic of the content, including a determination of usefulness of the content to a user.” Support for the amendment is found in the Specification, Page 17. Claim 12 is allowable over *Schloss* because *Schloss* fails to teach a characteristic of content including “a determination of usefulness of the content to a user” as stated in Claim 12. Claim 13 depends from Claim 12 and is allowable for at least this reason.

Claim 14 has been amended to teach “reading a container, the container identifying content not to be distributed according to at least one characteristic of the content independent of a static and/or dynamic characteristic of the content.” Support for the amendment is found in the Specification, Page 17. Claim 14 is allowable over

Application #09/946,112
Amendment dated May 6, 2005

Schloss because *Schloss* fails to teach identifying content not to be distributed according to at least one characteristic of the content independent of a static and/or dynamic characteristic of the content. Specifically, *Schloss* teaches metadata directed solely to a determination of static and dynamic qualities as described in metadata. Claims 15 through 22 depend from Claim 14 and are allowable for at least this reason.

Claim 23 has been amended to provide "a first instruction set operable with the processor to compare a container in the memory to determine whether content for transmission matches at least a subset stored in a second memory within a receiving device, wherein the subset is identified as ~~one or more of~~ static content previously cached in the receiving device and content previously identified as not to be transmitted to the receiving device;" to more clearly provide that content previously identified as not to be transmitted AND static content previously cached is identified in the subset. *Schloss* teaches metadata directed solely to a determination of static and dynamic qualities as described in metadata. Claims 24-29 depend from Claim 23 and are allowable with Claim 23 for at least this reason.

35 USC 103(a)

Claims 4, 9 and 11 stand rejected as being unpatentable over *Schloss* in view of *Sloan*.

Claim 4 provides that the determining of characteristics of content is done "prior to manufacture of one or more components for the client, the components including one or more of a smart card, a removable device for a computer system, and a wireless transmission component for the client; and after manufacture of the one or more components for the client, the client or the gateway performing the determining according to decisions one or both of by the client and the gateway."

In contradistinction to Claim 4, *Sloan* fails to teach determining characteristics of content prior to manufacture. *Sloan* teaches a smart card device with an unlock command that enables others to "share smart card devices 1200 if they wish. The password taught in *Sloan* is listed in a card identification number (CID) assigned to the smart card that avoids the need for a PIN. "The smart card issuer can look up or regenerate the unique password assigned to the particular smart card and have it downloaded to a terminal

Application #09/946,112
Amendment dated May 6, 2005

device, such as the cardholder's personal computer system." Col. 5, lines 7-10. Thus, the actions done "prior to manufacture" do not include "determining characteristics of content" as required by Claim 4. Accordingly, neither *Schloss* nor *Sloan*, either alone or in combination teach the elements of Claim 4.

Claim 9 depends from Claim 4 and is allowable for at least this reason. Furthermore, Claim 9 has been amended to teach that the determining the characteristics of content is according to two or more of "a decision that an identified content type will be cached in the client and require updating according to a predetermined frequency; a decision regarding a number of bytes for each transmission; a decision regarding an amount of time for a transmission; a contractual agreement regarding reduced transmissions; a decision made via a setup program for governing transmissions; and a decision respect to a static characteristic of a linked set of files for a web site, the linked set of files having a hierarchy, wherein the linked set of files is shared with the gateway with the static characteristic determining the filtering of the content. *Sloan* in contradistinction to Claim 9 teaches a password technique as described above and does not teach two or more of the types of decisions described in Claim 9. Accordingly, neither *Schloss* nor *Sloan*, either alone or in combination teach the elements of Claim 9.

Claim 11 teaches "wherein the determining one or more characteristics provides a cached set of files for a smart card." As discussed with regard to Claim 1, *Schloss* fails to teach or suggest determining one or more characteristics of content because *Schloss* teaches examining a predetermined digital content description and not the characteristics of content. The digital content description taught in *Schloss* is provided in a "fragment description table" to avoid a need to examine the content and limits the examination only to what is provided in the metadata.

Specifically, *Schloss* in combination with *Sloan* teaches away from the limitations of Claim 11 in that *Schloss* teaches, "digital content description of a named digital object can be dynamically parsed, and persistent fragment identities created and maintained to facilitate caching." *Schloss*, Abstract. *Sloan* fails to teach what *Schloss* does not teach. Accordingly, Claim 11 is allowable over the combination of *Schloss* and *Sloan*.

Application #09/946,112
Amendment dated May 6, 2005

The Examiner rejected Claims 8 as obvious over *Schloss* in view of *Challenger*. As noted above *Schloss* fails to teach or suggest certain limitations of Claim 1 as well as the other claims, for example, "determining a plurality of characteristics of content." The determination is performed on the characteristics of the content and not meta-data as is taught by *Schloss*. *Challenger* also fails to teach or suggest what *Schloss* does not. Accordingly, while Applicants do not concede that a person of ordinary skill in the art would be motivated to combine the teachings of *Schloss* and *Challenger*, even if such a combination were attempted, it would fail to include at least the limitations of Claim 1 which are incorporated by Applicants' novel and non-obvious Claim 8.

Claim 17 stands rejected as being unpatentable under U.S.C. 103(a) as being obvious over *Schloss* in view of *Fuller*. Claim 17 depends from amended Claim 14, which provides, as amended, "A method of managing content in a gateway, the method comprising: reading a container, the container identifying content not to be distributed according to at least one characteristic of the content independent of a static and/or dynamic characteristic of the content; comparing the container with received content for distribution to a client; and if the container identifies the received content as including one or more subsets of content identified as not to be distributed, filtering the subsets from the content." Claim 17 is believed allowable at least by virtue of being dependent from now allowable Claim 14.

For these reasons Claim 1 and the other independent claims are not anticipated (nor obvious over) *Schloss* and should be allowed. The dependent claims depend from their respective independent base claims, recite further unique and non-obvious combinations, and are patentable over the cited prior art for the reasons given in support of the base claims and by virtue of such further combinations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

CONCLUSION

It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a

Page 12 of 13

A50 OA Resp v10 as filed.doc

Application #09/946,112
Amendment dated May 6, 2005

telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

Date: June 27, 2005

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